

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DESIREE SANDERS,

Plaintiff,

Case No. 22-cv-10556

v.

U.S. District Court Judge
Gershwin A. Drain

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION (ECF NO. 18), GRANTING PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT (ECF No. 14), GRANTING IN PART AND
DENYING IN PART DEFENDANT’S MOTION FOR REMAND (ECF No.
16), AND REMANDING MATTER TO THE COMMISSIONER OF
SOCIAL SECURITY FOR RECONSIDERATION**

On March 16, 2022, Plaintiff Desiree Sanders initiated this action against the Commissioner of Social Security (“Defendant” or “Commissioner”) to appeal the denial of her Disability Insurance Benefits.¹ ECF No. 1, PageID.3. Presently before the Court are Plaintiff’s Motion for Summary Judgment, filed on August 25, 2022,

¹ The Commissioner also granted in part Plaintiff’s application for Supplemental Security Income benefits, and Plaintiff does not appeal that decision. *See* ECF No. 1, PageID.3.

ECF No. 14, and Defendant's Motion for Remand, filed on September 26, 2022, ECF No. 16. While Defendant did not respond to Plaintiff's Motion for Summary Judgment in the time allotted by E.D. Mich. LR 7.1(e)(2), Plaintiff responded to Defendant's Motion to Remand. *See* ECF No. 17. Although the parties agree the matter should be remanded, they disagree about the scope of the remand. *Compare* ECF No. 16 (seeking to remand the entire case) *with* ECF No. 17 (seeking remand of only the unfavorable part of the Commissioner's decision).

The Court referred the matter to Magistrate Elizabeth Stafford, ECF No. 3, who issued a Report and Recommendation on April 12, 2023, recommending that the Court grant Plaintiff's Motion for Summary Judgment and grant in part and deny in part Defendant's Motion to Remand. ECF No. 18. Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing, the record, and the Magistrate Judge's Report and Recommendation, the Court determines that the Magistrate Judge reached the correct conclusion. Therefore, the Court will accept and adopt Magistrate Judge Stafford's April 12, 2023 Report and Recommendation (ECF No. 18) as this Court's findings of fact and conclusions of law. The Court will thus grant Plaintiff's Motion for Summary Judgment (ECF No. 14) and grant in part and deny

in part Defendant's Motion for Summary Judgment (ECF No. 16). Specifically, the Court will remand this matter under sentence four of 42 U.S.C. § 405(g) for further consideration of the opinion evidence from treating psychiatrist Sachin Nagarkar, M.D. and Plaintiff's disability status between June 11, 2015 and November 14, 2021.

Accordingly, for the reasons stated above, **IT IS HEREBY ORDERED** that the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Stafford's April 12, 2023 Report and Recommendation (ECF No. 18) as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 12) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's Motion to Remand (ECF No. 18) is **GRANTED IN PART AND DENIED IN PART**.

IT IS FURTHER ORDERED that this matter is **REMANDED** to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further consideration of the opinion evidence from treating psychiatrist Sachin Nagarkar, M.D. and Plaintiff's disability status between June 11, 2015 and November 14, 2021.

IT IS SO ORDERED.

s/Gershwin A. Drain

GERSHWIN A. DRAIN

UNITED STATES DISTRICT JUDGE

Dated: May 8, 2023

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
May 8, 2023, by electronic and/or ordinary mail.

/s/ Teresa McGovern

Case Manager